

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
MONTGOMERY, ALABAMA

JENNIFER P. CLARK,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE NO.
v.)	
)	2:08-CV-173-MHT
E. PAUL STANLEY and)	
JASON J. DEAL,)	
)	
Defendants.)	
)	

DEFENDANT DEAL'S RESPONSE
TO PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT AGAINST JASON J. DEAL

Defendant Jason J. Deal ("Judge Deal") hereby responds to Plaintiff's Motion for Default Judgment Against Jason J. Deal ("Plaintiff's Motion") and shows the Court as follows:

Plaintiff's Motion is frivolous. Plaintiff cites to Rule 12(a)(1)(A) of the Federal Rules of Civil Procedure, but fails to note that Rule 12(a)(4) alters the due date of a responsive pleading when a motion to dismiss for lack of personal jurisdiction, Rule 12(b)(2), or for improper venue, Rule 12(b)(3), is filed. Pursuant to Rule 12(a)(4), Judge Deal, having filed a motion to dismiss for lack of personal jurisdiction and for improper venue, need not file a responsive pleading in this case until 10 days after notice of the Court's action on Judge Deal's motion, unless otherwise ordered by the Court. Thus, Judge Deal is not in default.

WHEREFORE, Judge Deal prays that the Court will deny Plaintiff's Motion for Default Judgment Against Jason J. Deal and enter such sanctions against Plaintiff as the Court may deem just and proper given the frivolous nature of Plaintiff's motion.

This 16th day of April March 2008.

Respectfully Submitted,

THURBERT E. BAKER 033887
Attorney General

KATHLEEN M. PACIOUS 558555
Deputy Attorney General

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Senior Assistant Attorney General

/s/ Robert C Edwards
ROBERT C. EDWARDS 241543
Assistant Attorney General

PLEASE ADDRESS ALL
COMMUNICATIONS TO:

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CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the within and foregoing **DEFENDANT DEAL'S RESPONSE TO PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT AGAINST JASON J. DEAL**, upon all other parties by electronic filing and by mailing a copy of same to their counsel, postage prepaid, in the United States Mail, and addressed as follows:

Jennifer P Clark
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This 16th day of April 2008.

/s/ Robert C Edwards
ROBERT C. EDWARDS
ASSISTANT ATTORNEY GENERAL